



Applicant: Nicholas BARDEN et al.

Title: MEANS AND METHODS FOR DIAGNOSING AND TREATING  
AFFECTIVE DISORDERS

Appl. No.: 10/825,593

Filing Date: 04/16/2004

Examiner: Unassigned

Art Unit: 1645

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits, and within three (3) months of the mailing date of the foreign search report.

**RELEVANCE OF EACH DOCUMENT**

Document C1 listed on the attached PTO/SB/08 came to the Applicants' attention when doing a search in connection with the patentability of the claims.

Documents C2 – C7 listed on the attached PTO/SB/08 were cited as being relevant during the prosecution of the corresponding International application, PCT/EP2004/004076. Copies of the documents are not being provided since copies should have been provided directly by WIPO under an exchange program between the PTO, the EPO and the JPO. A copy of the International Search Report setting forth the portion of each reference considered relevant by the examiner is attached. The remaining documents cited in the attached International Search Report but not listed on the PTO/SB/08 submitted herewith were previously cited by the Applicants in the Information Disclosure Statements filed August 11, 2004 and November 8, 2004.

Applicants respectfully request that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

**STATEMENT**

The undersigned hereby states in accordance with 37 CFR §1.704(d) that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the information disclosure statement.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date

January 14, 2005

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By

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Substitute for Form 1449B-PDS

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

## Complete if Known

|                        |                 |
|------------------------|-----------------|
| Application Number     | 10/825,593      |
| Filing Date            | 04/16/2004      |
| First Named Inventor   | Nicholas BARDEN |
| Group Art Unit         | 1645            |
| Examiner Name          | Unassigned      |
| Attorney Docket Number | 028622-0130     |

## U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | U.S. Patent Document |                                   | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|----------------------|-----------------------------------|---|--|---|
|                    |                       | Number               | Kind Code <sup>2</sup> (if known) |   |  |   |
|                    | C1                    | 2004/0229262         | A1                                | FRANCO et al.                                   | 11-18-2004                                       |   |
|                    | C2                    | 6,214,581            | B1                                | LYNCH et al.                                    | 04-10-2001                                       |   |
|                    |                       |                      |                                   |   |  |   |

## FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | Foreign Patent Document |                     |                                   | Name of Patentee or Applicant of Cited Documents | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T <sup>6</sup> |
|--------------------|-----------------------|-------------------------|---------------------|-----------------------------------|--|--|---|----------------|
|                    |                       | Office <sup>3</sup>     | Number <sup>4</sup> | Kind Code <sup>5</sup> (if known) |  |  |   |                |
|                    | C3                    | WO                      | 99/55901            | A                                 | ABBOTT LABORATORIES                              | 11-04-1999                                       |   |                |
|                    | C4                    | WO                      | 01/44213            | A                                 | BAXTER et al.                                    | 06-21-2001                                       |   |                |
|                    | C5                    | WO                      | 03/042190           | A                                 | PFIZER PRODUCTS INC.                             | 05-22-2003                                       |   |                |
|                    |                       |                         |                     |                                   |  |  |   |                |

## NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>6</sup> |
|--------------------|-----------------------|--|----------------|
|                    | C6                    | NORTH et al., "Pharmacology of cloned P2X receptors," <u>Annual Review of Pharmacology and Toxicology</u> , 2000, pp. 563-580, Vol. 40   |                |
|                    | C7                    | Database EMBL, 14 May 1999, XP002284283, Database accession no. AC007546   |                |
|                    |                       |  |                |
|                    |                       |  |                |

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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